

JAMES DAL BON, Bar No. 157942
LAW OFFICES OF JAMES DAL BON
95 S. MARKET ST., 3RD FLOOR
SAN JOSE, CA 95113
TEL (408) 977-7710
FAX (888) 868-8043
jdb@wagedefenders.com

ATTORNEYS FOR PLAINTIFFS

DANIEL HERNS, Bar No. 111592
LAW OFFICES OF DANIEL G. HERNS
5704 LA SEYNE PLACE, SUITE 100
SAN JOSE, CA 95138
TEL (408) 223-2220
FAX (408) 223-2682

ATTORNEY FOR DEFENDANT MARIA
SILVEIRA, GABRIEL SILVEIRA, AND
S & S DRYWALL, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GILDARDO OSORIO, RUBERTO
INFANTE SOLIS, ELIONAI
GONZALES, MARIN CORTEZ,
ENRIQUE REINOSO, GUILLERMO
RIOS, and GERARDO DAMIAN,

Plaintiff,

Vs.

MARIA SILVERA dba S&S
DRYWALL, GABRIEL SILVERA dba
S&S DRYWALL; S&S DRYWALL,
INC.,

Defendant(s).

Case No. CV11-03890

NOTICE OF SETTLEMENT, AND
STIPULATION AND ORDER
DISMISSING ENTIRE ACTION
WITH PREJUDICE

Judge: Honorable Lucy H. Koh

1 The parties herein, by and through their respective counsel of record, James Dal Bon,
2 Esq. , DUNN, DAL BON & MARGAIN, for Plaintiffs GILDARDO OSORIO, RUPERTO
3 INFANTE SOLIS, ELIONAI GONZALEZ, MARIN CORTEZ, ENRIQUE REINOSO,
4 GUILLERMO RIOS, GERARDO DAMIAN, ALFONSO GARCIA RICO, GUADALUPE
5 PONCE, JORGE GARCIA, FELIX JIMENEZ, JUAN HERNANDEZ, EFRAIN RODRIGUEZ,
6 CRISTOBAL ACOSTA, JOSE MEDEIROS, (hereinafter collectively "Plaintiffs"), and Daniel
7 G. Herns, Esq., LAW OFFICES OF DANIEL G. HERNS, for Defendants MARIA SILVEIRA,
8 GABRIEL SILVEIRA, S & S DRYWALL, INC., S & S DRYWALL LIMITED, ESPRESSO
9 CONSTRUCTION CLEAN-UP SERVICE, (hereinafter collectively "Defendants") and, with the
10 authority of their respective clients, stipulate as follows:

11 **NOTICE OF SETTLEMENT**

12 1. On November 14, 2012 the parties attended a Settlement Conference wherein the
13 parties agreed that the above captioned action, including all claims, counterclaims, and
14 affirmative defenses be dismissed without prejudice pending full payment of the agreed upon
15 settlement.

16 **THEREFORE, THE PARTIES HEREBY STIPULATE THAT:**

17 WHEREAS, the parties have fully executed and received the full settlement amount as
18 set forth in the Confidential Settlement Agreement and Release of Claims;

19 WHEREAS, no class was ever certified in this matter; therefore Rule 23 does not apply;

20 WHEREAS, all that remains to be done in this case is the entry of an Order dismissing
21 with prejudice the entire action;

22 **THEREFORE, THE PARTIES HEREBY STIPULATE THAT:**

23 1. The Court should enter an Order dismissing with prejudice the entire action as to
24 all parties.

25 //

1
2
3
4
5 Dated: May 21, 2013

6 LAW OFFICES OF JAMES

7
8 By /s/ jdb
9 JAMES DAL BON
10 ATTORNEY FOR PLAINTIFFS

11 Dated: May 21, 2013

12 LAW OFFICES OF DANIEL G. HERNS

13 By /s/ dgh
14 DANIEL G. HERNS
15 ATTORNEY FOR DEFENDANTS
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GILDARDO OSORIO, RUBERTO
INFANTE SOLIS, ELIONAI
GONZALES, MARIN CORTEZ,
ENRIQUE REINOSO, GUILLERMO
RIOS, and GERARDO DAMIAN,

Plaintiff,

Vs.

MARIA SILVERA dba S&S
DRYWALL, GABRIEL SILVERA dba
S&S DRYWALL; S&S DRYWALL,
INC.,

Defendant(s).

CASE NO. CV11-03890

ORDER

ORDER

I. The Court hereby issues an order dismissing with prejudice the entire action as to all parties.

IT IS SO ORDERED.

Dated: May 28, 2013

Lucy H. Koh

HONARABLE LUCY H. KOH